



PIMA COUNTY
DEVELOPMENT SERVICES

TO: Honorable Sharon Bronson, Supervisor, District # 3
FROM: Arlan M. Colton, Planning Director
DATE: December 3, 2014 *AMC*
SUBJECT: Co9-06-22 GURVINE – RUDASILL ROAD REZONING

The above referenced Rezoning Closure is within your district and is scheduled for the Board of Supervisors' **TUESDAY, DECEMBER 16, 2014** hearing.

REQUEST: To close Co9-06-22, a rezoning from RH (BZ) (Rural Homestead – Buffer Overlay Zone) to SR (BZ) (Suburban Ranch – Buffer Overlay Zone) located on the south side of Raining Stars Lane Easement, approximately 500 feet north of Rudasill Road and approximately 2,000 feet west of Sandario Road.

OWNERS: Richard and Kaissa Gurvine
PO Box 91226
Tucson, AZ 85752

AGENT: None

DISTRICT: 3

STAFF CONTACT: David Petersen

PUBLIC COMMENT TO DATE: As of December 3, 2014, staff has received no public comments.

STAFF RECOMMENDATION: CLOSURE.

MAEVEEN MARIE BEHAN CONSERVATION LANDS SYSTEM: The subject property lies outside the Maeveen Marie Behan Conservation Lands System.

CP/DP/ar
Attachments



PIMA COUNTY
DEVELOPMENT SERVICES

BOARD OF SUPERVISORS MEMORANDUM

Subject: Co9-06-22

Page 1 of 3

FOR DECEMBER 16, 2014 MEETING OF THE BOARD OF SUPERVISORS

TO: HONORABLE BOARD OF SUPERVISORS

FROM: Arlan M. Colton, Planning Director *AMC*
Public Works-Development Services Department-Planning Division

DATE: December 3, 2014

ADVERTISED ITEM FOR PUBLIC HEARING

REZONING CLOSURE

Co9-06-22 GURVINE – RUDASILL ROAD REZONING

Request by Richard and Kaissa Gurvine to close Co9-06-22, a rezoning from RH (BZ) (Rural Homestead – Buffer Overlay Zone) to SR (BZ) (Suburban Ranch – Buffer Overlay Zone) located on the south side of Raining Stars Lane Easement, approximately 500 feet north of Rudasill Road and approximately 2,000 feet west of Sandario Road. The rezoning was conditionally approved in 2007 and expired on February 13, 2012. Staff recommends **CLOSURE**.
(District 3)

STAFF RECOMMENDATION

Staff recommends **CLOSURE** of the 6.91-acre rezoning from RH (BZ) (Rural Homestead – Buffer Overlay Zone) to SR (Suburban Ranch – Buffer Overlay Zone) for the use of two dwellings (one on each lot that would have been created). The owners have written that they no longer wish to pursue the rezoning.

STAFF REPORT

The rezoning from RH (BZ) to SR (BZ) was conditionally approved on February 13, 2007. Rezoning Ordinance 2007-53 was adopted on July 24, 2007. The rezoning expired on February 13, 2012. Staff sent a letter to the owner on August 18, 2011 which warned of the pending time expiration date to satisfy rezoning conditions. The conditions remain to be satisfied. The site is undeveloped and contains mostly undisturbed natural vegetation. The owner has responded with a letter requesting closure of the case. The zoning code requires a public hearing to close the rezoning and cause the property to revert to its previous RH (BZ) zoning classification (Section 18.91.100.F.1). RH (BZ) exists to the east, south, and west of the site and GR-1 (BZ) (Rural Residential – Buffer Overlay Zone) exists to the north.

RH and SR zoning comply with the site's Resource Transition (RT) comprehensive plan designation which allows a maximum density of 0.3 residences per acre. RH requires approximately 4.13 acres (180,000 square feet) per dwelling unit, whereas SR requires approximately 3.3 acres (144,000 square feet) per unit. RH zoning will limit the site to one dwelling. RH zoning allows single detached dwellings as well as trailers and mobile and manufactured homes, whereas SR zoning excludes trailers and mobile and manufactured homes. RH zoning also allows many non-residential uses, most being conditional uses, which the SR zone does not allow. There are some undeveloped parcels in the vicinity of the site, including adjacent to the site, but most parcels contain residential uses.

The Buffer Overlay Zone (BZ) designation extends a mile from the bounds of Saguaro National Park (West District). The site is located approximately 500 feet north of the park. Staff had recommended denial of the rezoning because of this near proximity.

Closure of the rezoning does not preclude the possibility of future rezoning of the subject property. The property is located outside of the Maeveen Marie Behan Conservation Lands System.

TRANSPORTATION REPORT

No objection to closure.

FLOOD CONTROL REPORT

No objection to closure.

WASTEWATER REPORT

No report. (No sewers exist in the area.)

ENVIRONMENTAL QUALITY REPORT

No objection to closure.

NATURAL RESOURCES, PARKS AND RECREATION REPORT

No objection to closure.

CULTURAL RESOURCES REPORT

No objection to closure.

CP/DP/ar
Attachments

c: Richard and Kaissa Gurvine, PO Box 91226, Tucson, AZ 85752
Chris Poirier, Assistant Planning Director
Co9-06-22 File



N

N SANDARTO RD

RUPASII ROAD

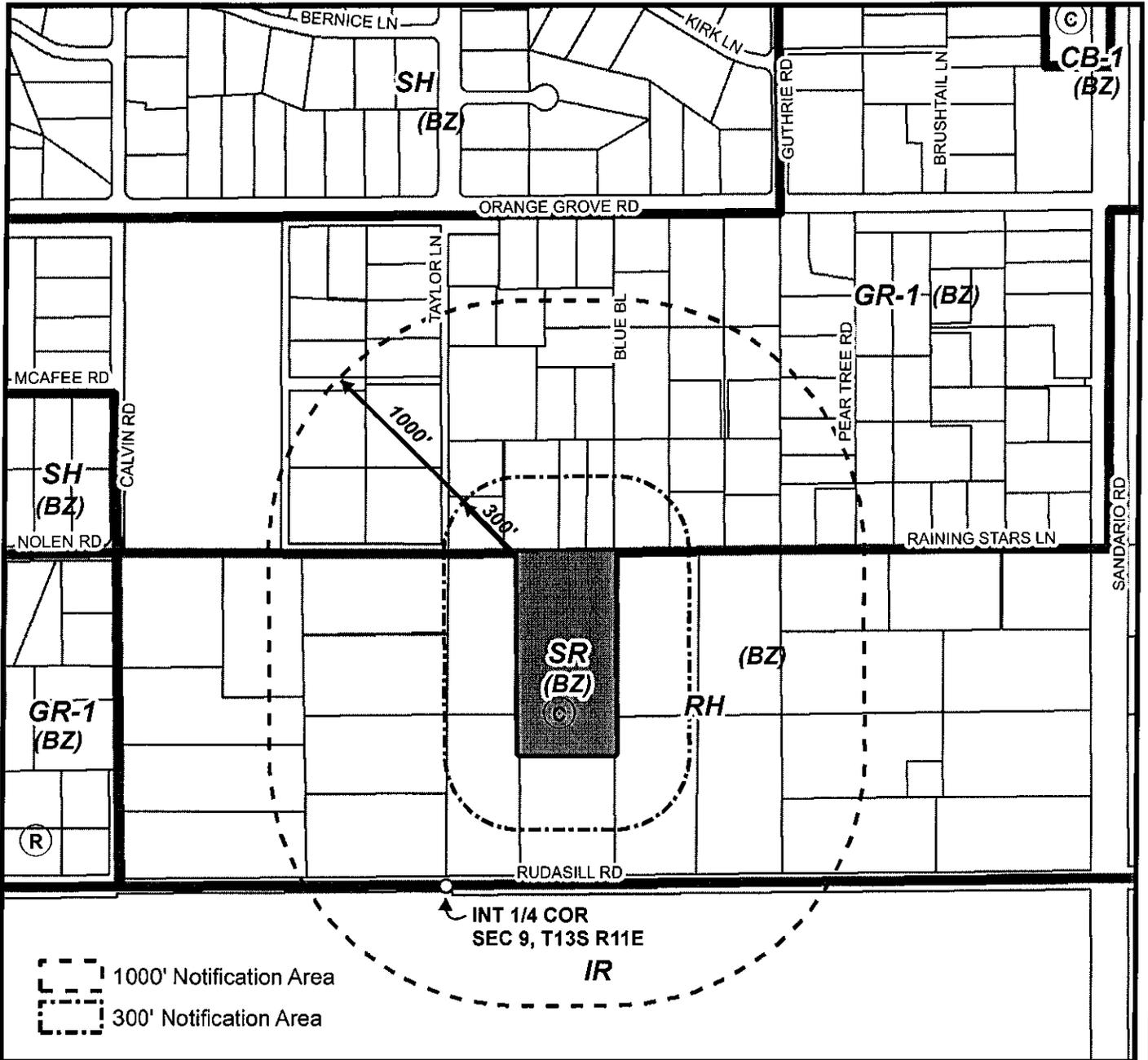
SAGUARO NATIONAL
PARK (WEST)

SUBJECT
PROPERTY

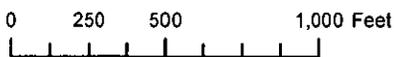
2014

Case #: CO9-06-022 GURVINE - RUDASILL ROAD REZONING

Tax Code(s): 213-13-082D



1000' Notification Area
 300' Notification Area



Subject Property

**PIMA COUNTY DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION**



Notes: **Rezoning Closure**

Board of Supervisors Hearing: 12/16/14

Base Map(s): 154

Map Scale: 1:7,000

Map Date: 11/10/2014



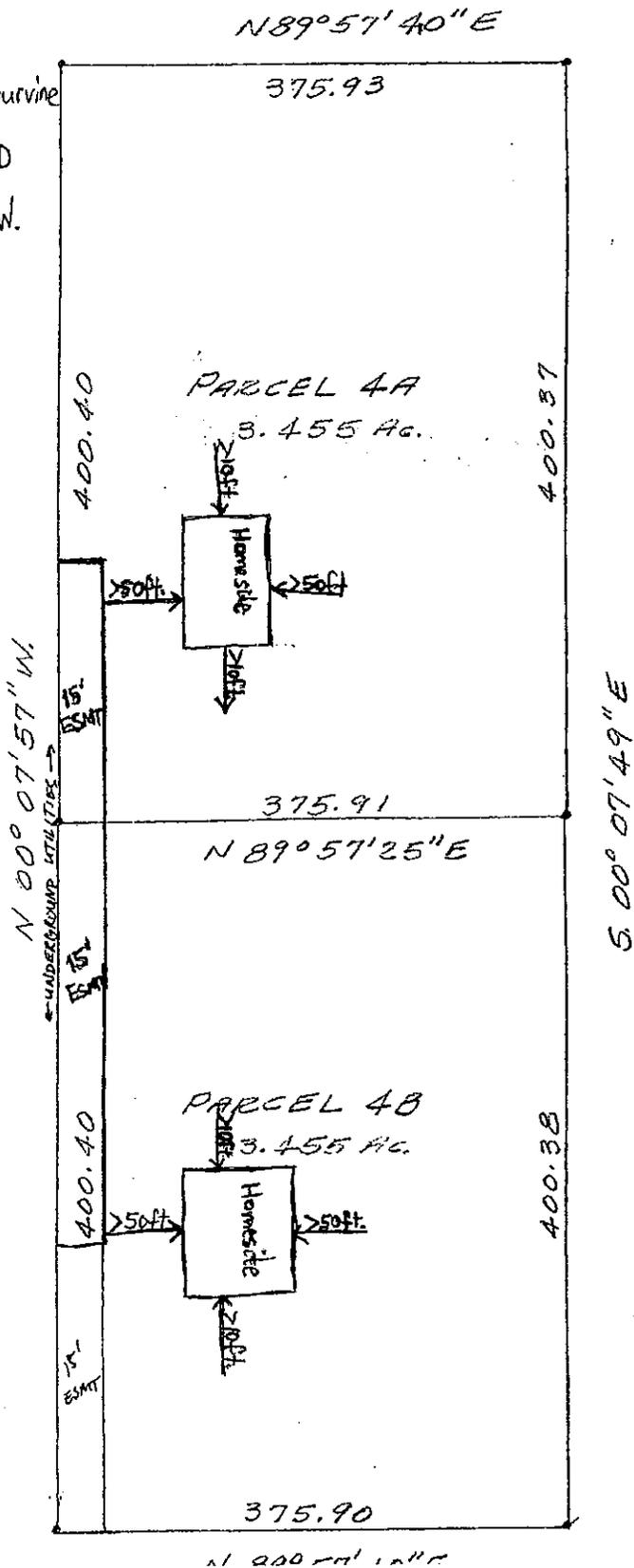
EXHIBIT "B"

SKETCH PLAN

Owner: Richard Joel Gervine

tax code: 213130820

address: 11800-12399 W.
Rudasill Rd.



* Lot structures less than 30% of total lot size.

1" = 100ft.
* unevenly split

RECEIVED
JUL 12 2006
BY: _____

Approved at BOS public hearing
2-13-07.

Richard & Kaissa Gurvine
PO BOX 91226
Tucson, AZ 85752

August 1, 2014

Pima County
Development Services Department
201 N. Stone Ave, 2nd Floor
Tucson AZ 85701

RECEIVED
AUG 04 2014

BY:.....

Carmine Debonis Jr.

Tax Code Numbers: 213-13-082D

RE: Co9-06-22 GURVINE - Rudasill Road Rezoning

As the owner of the rezoned property listed above (attached is my current APIQ) I am asking to have the property revert back to its original zoning of RH and to close the rezoning case. I no longer wish to pursue the SR(BZ) zoning.

Thank you,



Richard J Gurvine



Kaissa J Gurvine

F. ANN RODRIGUEZ, RECORDER
RECORDED BY: MER
DEPUTY RECORDER
0409 PE1

P0230
PIMA CO CLERK OF THE BOARD
PICKUP



DOCKET: 13110
PAGE: 1455
NO. OF PAGES: 8
SEQUENCE: 20071490286
08/02/2007
ORDIN 14:48
PICKUP
AMOUNT PAID \$ 0.00

ORDINANCE 2007- 53

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA; RELATING TO ZONING; REZONING PROPERTY (PARCEL CODE 213-13-082D) FROM RH (BZ) (RURAL HOMESTEAD) (BUFFER OVERLAY ZONE) TO SR (BZ) (SUBURBAN RANCH) (BUFFER OVERLAY ZONE); IN CASE Co9-06-22 GURVINE - RUDASILL ROAD REZONING; LOCATED ON THE SOUTH SIDE OF THE RAINING STARS LANE EASEMENT, APPROXIMATELY 500 FEET NORTH OF RUDASILL ROAD AND, APPROXIMATELY 2,000 FEET WEST OF SANDARIO ROAD; AMENDING PIMA COUNTY ZONING MAP NO'S. 154 & 155.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:

Section 1. The 6.91 acres, located on the south side of the Raining Stars Lane Easement, approximately 500 feet north of Rudasill Road and, approximately 2,000 feet west of Sandario Road, illustrated by the shaded area on the attached rezoning ordinance map (Exhibit "A"), which amends Pima County Zoning Map No's. 154 & 155 is hereby rezoned from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to SR (BZ) (Suburban Ranch) (Buffer Overlay Zone).

Section 2. Rezoning Conditions.

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.

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5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner shall provide paved, legal access to the subject property from Rudasill Road.
 - B. Any private easement/road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six months of issuance of permits.
 - C. The property owner shall accept responsibility the maintenance, control, safety and liability of privately owned roads, drainageways, driveways and easements.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
9. Wastewater Management condition:

The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
10. Environmental Quality conditions:
 - A. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements shall be suitable to absorb effluent; and all other design requirements shall be satisfied.
 - B. As a condition of rezoning, the applicant shall demonstrate that the lot(s), as proposed, can accommodate a home-site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined

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by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.

- C. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a certificate of approval. A Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.
- D. The proposed access easement to the site shall be constructed and paved in accordance with specifications as defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency. This requirement shall be satisfied prior to issuance of permits.

11. Environmental Planning conditions:

- A. A minimum of 50% of the property shall be preserved as natural open space, in compliance with the Buffer Overlay Zone requirements for rezoning projects in Chapter 18.67.050(N). The natural open space shall be configured in a manner that, to the fullest extent possible: (1) protects the ironwood plant community; (2) protects the Palo Verde-saguaro vegetation community; (3) protects other protected and safeguarded native plant species; and (4) provides for a contiguous, interconnected open space system.
- B. The site shall be inspected for the presence of the Western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report shall be received prior to approval of a development plan or tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.

12. Cultural Resources conditions:

- A. All work shall be within the area as shown on the approved site plan.
- B. A caution shall be noted concerning human burials. Archaeological clearance recommendations do not exempt the development from compliance with State burial

protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities shall cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains shall be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

13. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Development and Neighborhood Conservation Department indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of Compliance is issued.
14. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
15. The owner(s)/developer(s) shall record covenants running with the land pertaining to the Pima County Buffer Overlay Zone requirements pursuant to section 18.67.050(I)(7).
16. Any request for a modification of rezoning conditions or time extension shall be approved by the Pima County Design Review Committee.
17. No structure, parking lot, private driveway or road shall be placed within 300 feet of the public preserve without an exception from the Design Review committee in accordance to sections 18.67.050(G) and 18.67.060 of the Pima County Zoning Code. This shall also pertain to the paving/grading of access/utility easements used to access the site.
18. In accordance to section 18.87.050 of the Pima County zoning code, all exposed walls and roof of buildings, retaining walls, and accessory structures that are visible from outside the land parcel boundary, shall be earth tone in color and shall blend in with the natural setting. Colors shall not

10-11-03

exceed a light-reflective value of 60%. Mechanical equipment shall be screened and painted to reduce visibility.

19. Fences delineating the property boundaries are prohibited.
20. The use of barbed wire for fencing is prohibited.
21. All underground utilities shall be joint-trenched and be located beneath the paved portions of roadways.
22. Owner(s)/developer(s) shall adhere to the sketch plan as approved at public hearing (Exhibit "B").
23. The use of this site is restricted to single-family, site built residential homes; no mobile homes shall be permitted.
24. The property owner(s) shall execute and record a disclaimer regarding Prop 207 rights. The language is as follows: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Section 3. Time limits, extensions and amendments of conditions.

1. Conditions 1 through 24 shall be completed by February 13, 2012.
2. The time limit may be extended by the Board of Supervisors by adoption of a resolution in accordance with Chapter 18.91 of the Pima County Zoning Code.
3. No building permits shall be issued based on the rezoning approved by this Ordinance until all conditions 1 through 24 are satisfied and the Planning Official issues a Certificate of Compliance.
4. The rezoning conditions of Section 2 may be amended or waived by resolution of the Board of Supervisors in accordance with Chapter 18.91 of the Pima County Zoning Code.

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Section 4. The effective date of this Ordinance shall be on the date of signing of this Ordinance by the Chairman of the Board of Supervisors.

Passed and adopted by the Board of Supervisors of Pima County, Arizona, this 24 day of July, 2007



Vice-Chairman of the Board of Supervisors Date JUL 24 2007

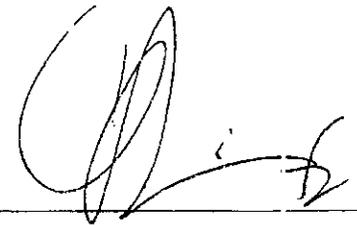
ATTEST:



Clerk, Board of Supervisors



Deputy County Attorney



Executive Secretary,
Planning and Zoning Commission

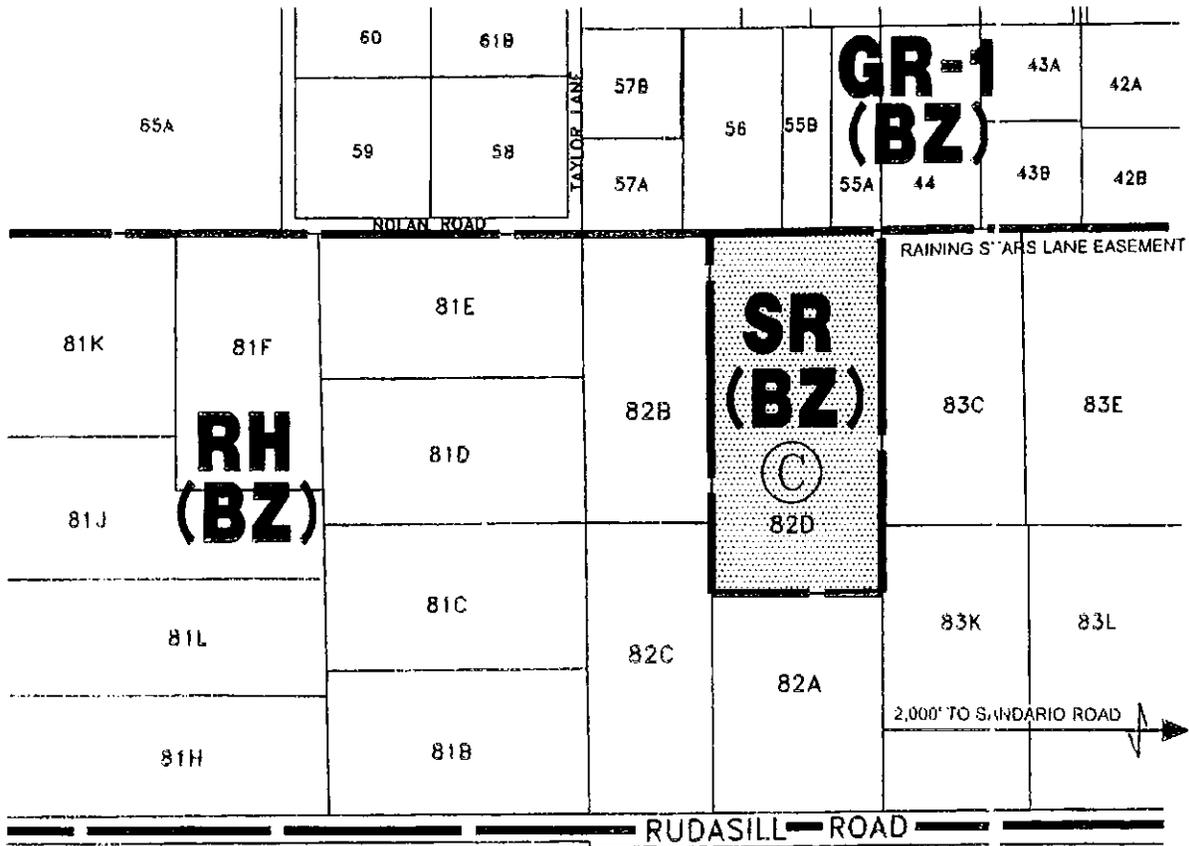
101001452

EXHIBIT "A"

AMENDMENT NO'S. 7 & 15 BY ORDINANCE NO. 2007-53
 TO PIMA COUNTY ZONING MAP NO'S. 154 & 155 TUCSON, ARIZONA
 PARCEL 82D BEING A PART OF THE SW 1/4 OF THE NE 1/4 OF
 SEC. 9, T13S R11E.



ADOPTED July 24, 2007 EFFECTIVE July 24, 2007



SAGUARO NATIONAL PARK WEST

IR 92

EXECUTIVE SECRETARY PIMA COUNTY PLANNING AND ZONING COMMISSION

2007-06-22

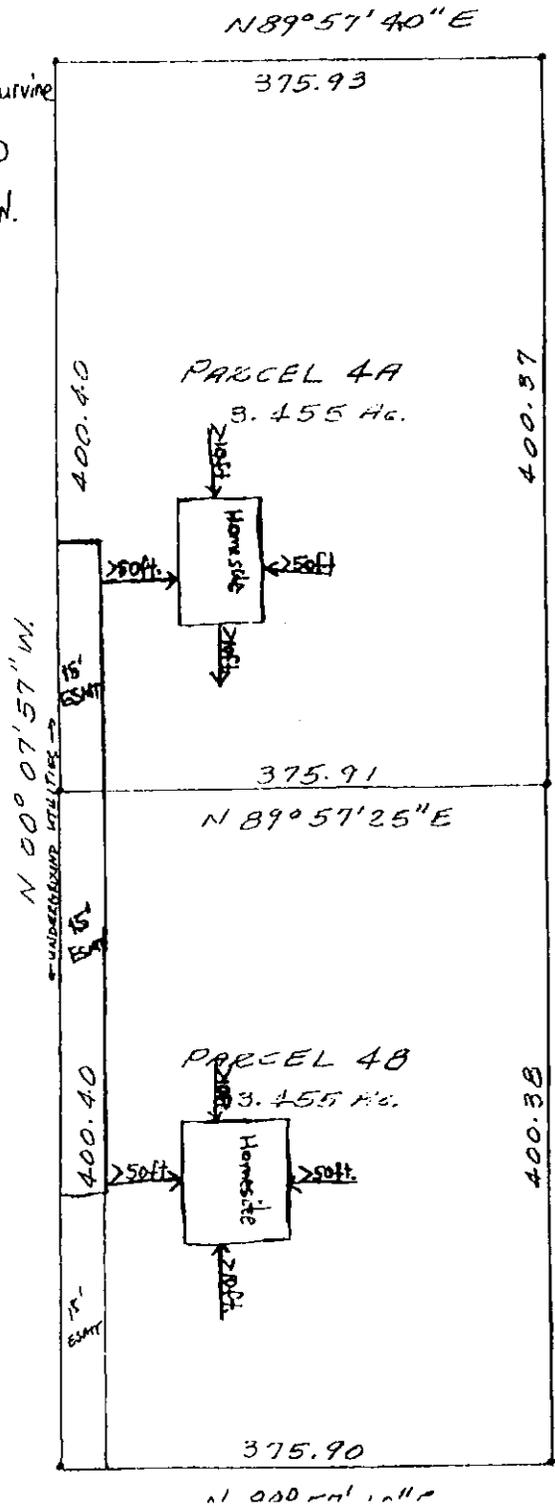
NO BUILDING PERMITS WITHOUT CERTIFICATE OF COMPLIANCE
 FROM RH 5.21.04
 MA - JUNE 15 2007

069-06-22
 067-00-20
 213-13-0820

EXHIBIT "B"

SKETCH PLAN

Owner: Richard Joel Gurvine
 tax code: 21313082D
 address: 11800-12399 W.
 Rudasill Rd.



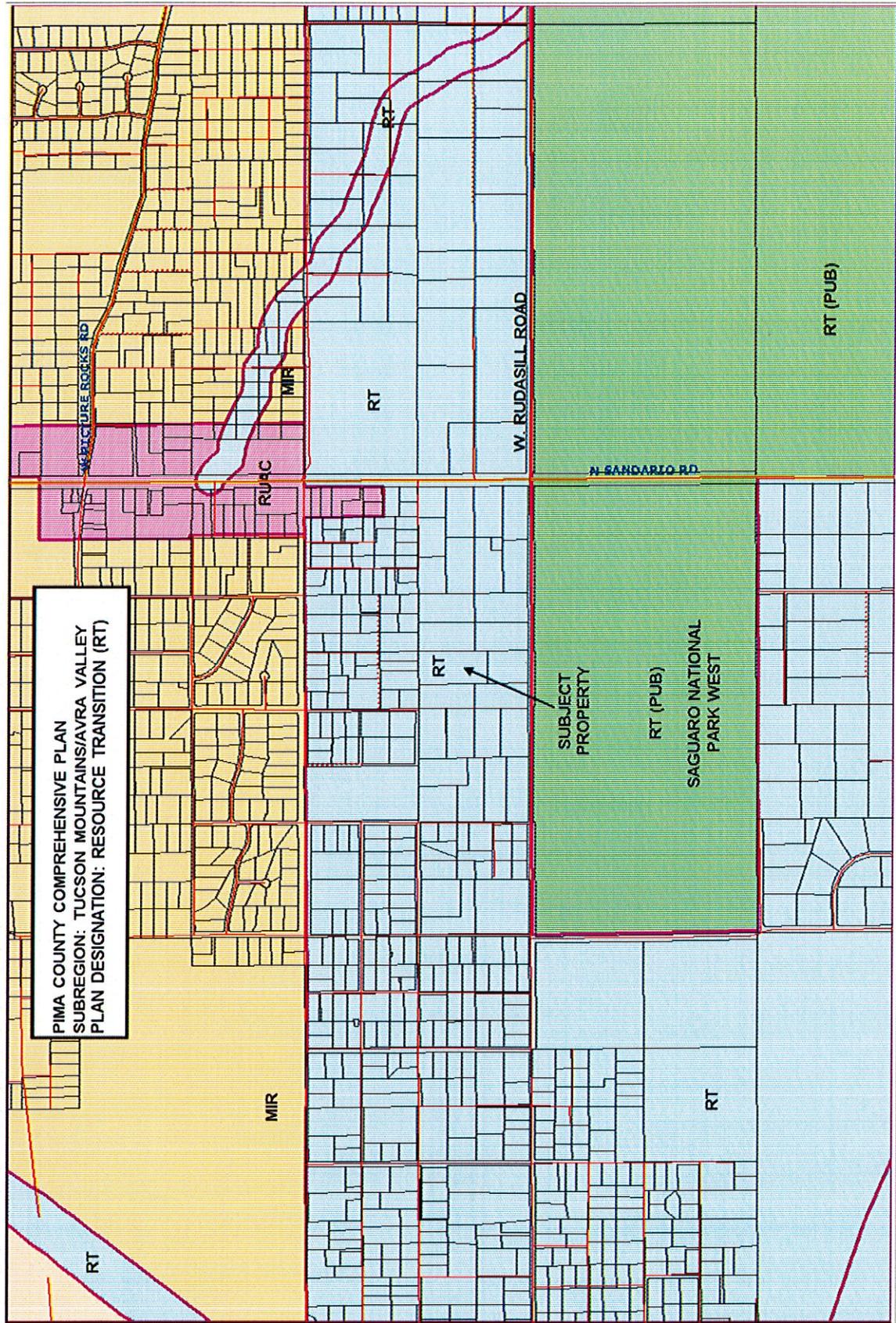
* Lot structures less than 30% of total lot size.

1" = 100ft.
 * manually split

RECEIVED
 JUL 12 2006
 BY: _____

Approved at BLD public hearing
 2-13-07.

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PIMA COUNTY COMPREHENSIVE PLAN
 SUBREGION: TUCSON MOUNTAINS/AVRA VALLEY
 PLAN DESIGNATION: RESOURCE TRANSITION (RT)

- Comprehensive Plan
- Growth Areas
- Subregions
- Land Use Intensity Labels
- AGC
- Land Use Intensity - Transp
- Land Use Intensity
- REAC - Regional Activity Ce
- CAC - Community Activity Ce
- MFC - Multifunctional Corrid
- NAC - Neighborhood Activit
- HIU - High Intensity Urban
- MHU - Medium High Intensi
- MIU - Medium Intensity Urbs
- MA - Military Airport
- LU-3.0 - Low Intensity Urban
- LU-1.2 - Low Intensity Urban
- LU-0.5 - Low Intensity Urban
- LU-0.3 - Low Intensity Urban
- RVY - Rural Forest Village
- RUAC - Rural Activity Centre
- RX - Rural Crossroads
- MIR - Medium Intensity Rural
- UR - Low Intensity Rural
- I - Urban Industrial
- HI - Heavy Industrial
- RT - Resource Transition
- RT-PUB - Resource Transit
- RE - Resource Extraction
- RP - Resource Productive
- P-Y FEE - Pasqua Yaqui Fe
- No Plan
- Rezoning and Special Area I
- Congressional Districts - U.S.
- Conservation Lands System - A
- Special Species Manage
- Scientific Research Areas
- CLS Categories
- Design Review Committee Case
- Development Instruments - Pims
- Development Permits
- Development Plans - Historic
- Development Plans - Historic
- DOT Improvement Plans - Hi
- Development Plans - Incorporat

Resource Transition

'RT' on the Land Use Plan Maps

- a. Purpose: Private land with environmentally sensitive characteristics that include wildlife corridors, natural washes, floodplains, peaks and ridges, buffers to public preserves, and other environmentally sensitive areas. Development of such land shall emphasize design that blends with the natural landscape and supports environmentally sensitive linkages in developing areas.

- b. Residential Gross Density: Only land area zoned and planned for residential use, or natural or cluster open space areas, shall be included in gross density calculations. Natural and cluster open space shall be defined as set forth in Section 18.09.040B, except that cluster open space shall not include land developed under the GC Golf Course Zone. Residential gross density shall conform with the following:
 - 1) Minimum - none
 - 2) Maximum - 0.3 RAC

- c. Residential Gross Densities for Developments Using Transfer of Development Rights (TDR's): Projects within designated Receiving Areas utilizing TDR's for development (refer to Chapter 18.92 of the Zoning Code) shall conform to the following density requirements:
 - 1) Minimum – none
 - 2) Maximum – 0.3 RAC

- d. Zoning Districts: Only the following zoning districts shall be deemed in conformance with the land use plan, except as provided for under the Major Resort Community designation, Section 18.89.030C plan policies, or Section 18.90.030E specific plans:
 - 1) RH Rural Homestead Zone
 - 2) SR Suburban Ranch Zone
 - 3) MR Major Resort

- e. Open Space Standard for MR Major Resort Zone: In Resource Transition a minimum of 30 percent natural open space shall be required within areas rezoned MR Major Resort Zone. Open space for purposes of this requirement shall be natural open space.

Co9-06-22 BOS Rezoning Approval

BOS Minutes 2-13-07

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson, and unanimously carried by a five to zero vote, to close the public hearing and approve the rezoning with the conditions recommended by the Planning and Zoning Commission and place into the record the letter dated February 12, 2007, from Meritage Homes to Robert Schwartz.

18. DEVELOPMENT SERVICES: REZONING

→ Co9-06-22, GURVINE - RUDASILL ROAD REZONING

Request of Joel and Kaissa Gurvine, represented by David Gurvine, for a rezoning of 6.91 acres from RH (BZ) (Rural Homestead, Buffer Overlay Zone) to SR (BZ) (Suburban Ranch, Buffer Overlay Zone), on property located on the south side of the Raining Stars Lane easement, approximately 500 feet north of Rudasill Road, and approximately 2,000 feet west of Sandario Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Gungle and Matter voting NAY, Commissioners Membrila and Cuyugan were absent) to recommend APPROVAL WITH CONDITIONS. Staff recommends DENIAL. (District 3)

"Rezoning conditions were approved as follows:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner shall provide paved, legal access to the subject property from Rudasill Road.
 - B. Any private easement/road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six months of issuance of permits.
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8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide necessary on-site and off-site drainage improvements as required by the Flood Control District.
9. Wastewater Management conditions:

- The owner / developer must secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review
10. Environmental Quality conditions:
 - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
 - B. As a condition of rezoning, the applicant shall demonstrate that the lot(s), as proposed, can accommodate a home site, and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of permits.
 - C. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a certificate of approval. A Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.
 - D. The proposed access easement to the site shall be constructed and paved in accordance with specifications as defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency. This requirement shall be satisfied prior to issuance of permits.
 11. Environmental Planning conditions:
 - A. A minimum of 50% of the property shall be preserved as natural open space, in compliance with the Buffer Overlay Zone requirements for rezoning projects in Chapter 18.67.050(N). The natural open space shall be configured in a manner that, to the fullest extent possible: (1) protects the ironwood plant community; (2) protects the palo verde-saguaro vegetation community; (3) protects other protected and safeguarded native plant species; and (4) provides for a contiguous, interconnected open space system.
 - B. The site shall be inspected for the presence of the Western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 12. Cultural Resources conditions:
 - A. All work must be within the area as shown on the submittal, and
 - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the development from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 13. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima

- County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
14. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 15. The owner/developer shall record covenants running with the land pertaining to the Pima County Buffer Overlay Zone requirements pursuant to section 18.67.050 (I) (7).
 16. Any request for a modification of rezoning conditions or time extension must be approved by the Pima County Design Review Committee.
 17. No structure, parking lot, private driveway or road shall be placed within 300 feet of the public preserve without an exception from the Design Review committee in accordance to sections 18.67.050(G) and 18.67.060 of the Pima County Zoning Code. This will also pertain to the paving/grading of access/utility easements used to access the site.
 18. In accordance to section 18.87.050 of the Pima County zoning code, all exposed walls and roof of buildings, retaining walls, and accessory structures that are visible from outside the land parcel boundary, shall be earth tone in color and shall blend in with the natural setting. Colors shall not exceed a light-reflective value of 60%. Mechanical equipment shall be screened and painted to reduce visibility.
 19. Fences delineating the property boundaries are prohibited.
 20. The use of barbed wire for fencing is prohibited.
 21. All underground utilities shall be joint-trenched and be located beneath the paved portions of roadways.
 22. Owner/developer shall adhere to the sketch plan as approved at public hearing.
 23. The use of this site is restricted to single-family, site built residential homes; no mobile homes shall be permitted.
 24. The property owner shall execute and record a disclaimer regarding Prop 207 rights. The language is as follows: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chris Poirier, Zoning Administrator, stated this was a request to rezone approximately 6.91 acres from RH Buffer Overlay Zone (BZ) to SR (BZ) which would allow a second home on property located approximately 800 feet north of the Saguaro National Park. The Planning and Zoning Commission recommended approval with conditions, but staff recommended denial because they did not want any increase in density so close to the National Park. Staff received two letters of support and one letter of protest. He stated the subject property was outside the Conservation Lands System and concurrency had been met. He stated if the Board chose to approve this rezoning, staff had provided twenty-four conditions which would alleviate some of their concerns.

Supervisor Bronson inquired if the National Park had commented on the rezoning.

Mr. Poirier replied they had not received any comments from them, but a letter had been received from the Department of the Interior discussing concerns about open space preservation.

Joel Gurvine, applicant, stated the open space requirement actually increased from 50% open space to 70% open space with the rezoning.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez, and unanimously carried by a five to zero vote, to close the public hearing and approve the rezoning subject to conditions as recommended by staff.

19. DEVELOPMENT SERVICES: REZONING

Co9-06-35, AMOS - CAMINO VERDE REZONING

Request of Ricky and Marla Amos, for a rezoning of 4.06 acres from SR (Suburban Ranch) to CR-1 (Single Residence Zone) on a property located on the southeast corner of Michigan Street and Camino Verde, approximately 3/4 miles north of Ajo Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Membrila and Cuyugan were absent) to recommend APPROVAL WITH AMENDED CONDITIONS. Staff recommends APPROVAL WITH AMENDED CONDITIONS. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

Completion of the following requirements shall occur within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Department of Transportation conditions:
 - A. Dedication of 45 feet for Camino Verde, 45 feet for Michigan Street and 33 feet right-of-way for Illinois Street.
 - B. Access shall be only allowed onto Michigan Street or Camino Verde for all proposed lots until such a time that Illinois Street is paved.
 - C. Any common, private road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.